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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,147	08/22/2001	James P. Janniello	YOR920010386US2	3376
7590	04/07/2005		EXAMINER	
Ryan, Mason & Lewis, LLP Suite 205 1300 Post Road Fairfield, CT 06430			REILLY, SEAN M	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/938,147	JANNIELLO ET AL.
	<b>Examiner</b> Sean Reilly	<b>Art Unit</b> 2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 07 January 2005.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-27 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-27 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 27 January 2005 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)               |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ .  |

## **DETAILED ACTION**

This Office action is in response to Applicant's amendment and request for reconsideration filed on 1/7/2005. Claims 1-27 are presented for further examination. Independent claims 1, 9, 15, 18, 19, 20, 21, 22, 23 have been amended and new claims 24-27 have been added. All previous objections to the specification and drawings are withdrawn in response to Applicant's corrections.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-13 and 15-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Carter et al. (U.S. Patent Number 6,026,474; hereinafter Carter).
  2. In considering claim 1, Carter discloses a method for storing digital content in a client-side cache, said method comprising the steps of:
    - receiving content broadcast to a client (see Col 27, lines 65-66);
    - storing said received content in said client-side cache (see Col 28, lines 7-10);
    - and making said content in said client-side cache available to other clients (see Col 28, line 17-19).

5. In considering claim 2, Carter discloses the method of claim 1, further comprising the step of determining if requested content is in said client-side cache before requesting said content from a remote source (see Col 28, lines 21-27).
6. In considering claim 3, Carter discloses the method of claim 1, further comprising the step of requesting said content from an edge server if said requested content is not in said client-side cache. This is an inherent step in Carter's design. Carter discloses downloading content from a server into a cache (Col 27, line 65). This step only occurs when the requested content is not found in the cache.
7. In considering claim 4, Carter discloses the method of claim 1, further comprising the step of requesting said content from a provider of said content if said requested content is not in said client-side cache. This is an inherent step in Carter's design. Carter discloses downloading content from a content provider into a cache (Col 27, line 65). This step only occurs when the requested content is not found in the cache.
8. In considering claim 5, Carter discloses the method of claim 1, further comprising the step of requesting said content from another client cache if said requested content is not in said client-side cache (see Col 28, lines 30-34).
9. In considering claim 6, Carter discloses the method of claim 5, wherein said step of requesting said content from another client cache further comprises the step of accessing a directory to determine where said content is cached (see Col 7, lines 14-21).
10. In considering claim 7, Carter discloses the method of claim 1, further comprising the step of providing information to a central cache directory regarding content that is stored in said client-side cache (see Col 28, lines 22-23).

11. In considering claim 8, Carter discloses the method of claim 1, wherein said content in said client-side cache is made available to other clients using a point-to-point link (see Col 11, line 18).
12. In considering claim 9, Carter discloses a method for obtaining content over a network, said method comprising the steps of determining if requested content is in a local cache; and requesting said content from a remote client cache if said requested content is not in said local cache, wherein said content in said remote client cache was broadcast to a client (see Col 28, lines 27-34).
13. In considering claim 10, Carter discloses the method of claim 9, further comprising the step of requesting said content from a remote source if said requested content is not in said remote client cache. This is an inherent step in Carter's design. Carter discloses downloading content from a remote source into a cache (Col 27, line 65) and making the cached content available to other users in a global client cache (Col 28, line 19). The step of downloading content from a remote source only occurs when the requested content is not found in the cache.
14. In considering claim 11, Carter discloses the method of claim 9, further comprising the step of requesting said content from an edge server if said requested content is not in said remote client cache. This is an inherent step in Carter's design. Carter discloses downloading content from a server into a cache (Col 27, line 65). This step only occurs when the requested content is not found in the cache.
15. In considering claim 12, Carter discloses the method of claim 9, further comprising the step of requesting said content from a provider of said content if said requested content is not in said

remote client cache. A content provider is considered to be a remote source as referenced in claim 10, therefore claim 12 fails to further limit and is rejected on the same basis as claim 10.

16. In considering claim 13, Carter discloses the method of claim 9, wherein said step of requesting said content from a remote client cache further comprises the step of accessing a directory to determine where said content is cached (see Col 7, lines 14-20).

17. In considering claim 15, Carter discloses a method for sharing digital content among a plurality of users, said method comprising the steps of:

- storing content broadcast to a client in a client-side cache of at least one client (see Col 27, line 65 and Col 28, lines 7-8);
- making said content in said client-side cache available to a plurality of additional clients (see Col 2, lines 38-43);
- and maintaining a directory of said content made available to a plurality of additional clients (see Col 7, lines 17-20).

18. In considering claim 16, Carter discloses the method of claim 15, wherein a user determines if requested content is in said directory before requesting said content from another remote source (see Col 5, lines 48-58).

19. In considering claim 17, the method of claim 15, wherein said content in said client-side cache is made available to other clients using a point-to-point link (see Col 11, line 18).

20. In considering claims 18 and 21, Carter discloses a system for storing digital content in a client-side cache, said system comprising:

- a memory that stores computer-readable code (see Fig 1, Component 34c); and

- a processor operatively coupled to said memory, said processor configured to implement said computer-readable code, said computer-readable code configured to (see Fig 1, Component 30c) :
- receive content broadcast (from a central server) to a client (see Col 27, line 65);
- store said received content in said client-side cache (see Col 28, lines 7-10);
- and make said content in said client-side cache available to other clients (see Col 28, lines 17-19).

21. In considering claim 19, Carter discloses a system for obtaining content over a network, said system comprising:

- a memory that stores computer-readable code (see Fig 1, Component 34c); and
- a processor operatively coupled to said memory, said processor configured to implement said computer-readable code, said computer-readable code configured to (see Fig 1, Component 30c) :
- determine if requested content is in a local cache (see Col 28, lines 23-34); and
- request said content from a remote client cache if said requested content is not in said local cache, wherein said content in said remote client cache was broadcast to a client (see Col 28, lines 23-34).

22. In considering claim 20, Carter discloses a system for sharing digital content among a plurality of users, said system comprising:

- a memory that stores computer-readable code (see Fig 1, Component 34c); and

- a processor operatively coupled to said memory, said processor configured to implement said computer-readable code, said computer-readable code configured to (see Fig 1, Component 30c) :
- store content broadcast to a client in a client-side cache of at least one client (see Col 28, lines 7-10);
- make said content in said client-side cache available to a plurality of additional clients (see Col 28, lines 17-19);
- and maintain a directory of said content made available to a plurality of additional clients (see Col 7, lines 17-20).

23. In considering claim 21, claim 21 contains no further limitations over claim 18, and is therefore rejected on the same basis as claim 18.

24. In considering claim 22, claim 22 contains no further limitations over claim 19, and is therefore rejected on the same basis as claim 19.

25. In considering claim 23, claim 23 contains no further limitations over claim 20, and is therefore rejected on the same basis as claim 20.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

26. Claims 14 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter et al. (U.S. Patent Number 6,026,474; hereinafter Carter) in view of Humphrey (U.S. Patent Application Publication Number 2002/0129116).

27. Regarding claim 14, Carter teaches a client-side caching system where clients share their respective caches with each other as discussed above. Carter further teaches remote client caches obtaining content broadcast from a given server (see Col 17, line 65 and Col 28, lines 7-8). However, Carter fails to specifically recite client caches obtaining content over a *broadcast connection*. Nonetheless, the feature of obtaining content for a cache over a broadcast *connection* was well known in the art at the time of the invention, as evidenced by Humphrey.

In a similar art, Humphrey discloses a caching system which uses a high speed one way satellite link to broadcast data from a master caching center to multiple local caching systems (see Humphrey, paragraph 31). The data broadcast to the local caching system is sent based on the selections for content from the local caching systems (see Humphrey, paragraph 31). Humphrey further discloses that the benefit of a “high speed cache update or broadcast channel provides the network with fast relief from redundant data transport and will quickly reduce congestion.” Thus, given the teaching of Humphrey, it would have been obvious to a person having ordinary skill in the art to design the Carter system with a satellite link broadcast system which provides client-side caches with content, in order to design a more efficient system. The system is more efficient since it provides fast relief from redundant data transport, which reduces congestion.

28. Regarding claims 24-27, Carter fails to specifically recite content broadcast to said client is broadcast prior to being requested by a user or where received content was predicted to be of interest to a user. In a related art, Humphrey discloses predicting content of interest to a user (pg 2, ¶ 24) and then sending the content predicted to be of interest prior to a client request (pg 2, ¶ 25). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the content prediction and transmission system disclosed by Humphrey within Carter's system in order to relieve the network from transporting replicated data and redundant information (Humphrey pg 2, ¶ 25).

***Response to Arguments***

1. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.
2. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the limitation a "broadcast connection") are not recited in the rejected independent claim(s). The Applicant contends that the limitation a "broadcast connection" is present in the independent claims, however no such limitation is present and is in fact only present in claim 14. The Examiner notes that the Humphrey reference was merely used to show that broadcasting data over a *broadcast connection* to a cache was well known in the art at the time of the invention, not that *broadcasting* data was well known.

3. Additionally in order to further clarify that record, the Examiner notes that a client is any computing device connected to a network. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Conclusion***

The prior art made of record, in PTO-892 form, and not relied upon is considered pertinent to applicant's disclosure.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Reilly whose telephone number is 571-272-4228. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
3/30/05

  
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